IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

CRI. WRIT PETITION NO. 571 OF 2005

Office Notes, Office Memoranda of :
of Coram, appearances, Court's orders : Court's or Judge's orders
and Registrar's orders. :

Mr. A.K. singh for the petitioner.

Mr. I.S. Thakur, A.P.P. for the respondents.

CORAM: R.M.S. KHANDEPARKAR & P.V. KAKADE, JJ.

DATED: 4TH APRIL, 2005

P.C.:

1. Heard learned advocate for the petitioner and the learned A.P.P. for the respondents. The grievance of the petitioner relates failure on the part of the police authorities to arrest the persons named as accused in the F.I.R. lodged at the instance of the petitioner. Undisputedly, the persons who are named as accused persons are externed from the area in which the complainant-petitioner resides. The records nowhere disclose any prima facie evidence having been produced before the police authorities by the petitioner nor the police authorities have been able to collect any evidence as regards the allegation by the petitioner that he was in fact

threatened by those two persons in the concerned locality. It is not the case of the petitioner that the police are not investigating into the matter. The learned advocate for the petitioner has repeatedly made grievance about the failure on the part of the police authorities to arrest those two persons who are named in the complaint filed by the petitioner. Whether the accused are necessarily to be arrested or not it is for the police authorities to consider the same on the basis of the materials revealed in the course of investigation in view of the complaint filed by the complainant. Being so, merely because the persons are not arrested, that would not be a justification for this Court to interfere in the matter once it is not in dispute that the police authorities are investigating into the matter. Needless to say that, in case the police finds it appropriate, certainly the police would be entitled to investigate such persons. In view of

this, no interference is called for at this stage by this Court. Hence, the petition stands dismissed.

(R.M.S. Khandeparkar, J.)

(P.V. Kakade, J.)